



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
9316 North 107th Street  
Milwaukee, Wisconsin 53224-1121  
TDD #: (608) 264-8777

Jim Doyle, Governor  
Mary P. Burke, Secretary

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 52  
**Comm #:** 53205-2340-11-B  
**BRRTS #:** 03-41-544142  
**Site Name:** Metz Baking Company  
**Site Address:** 1011 West Somers Street, Milwaukee, WI 53205  
**Site Manager:** John Hnat  
**Address:** 2300 North Dr. Martin Luther King, Jr. Drive  
**City, State Zip:** Milwaukee, WI 53212-3128  
**Phone:** (414) 263-8644  
**email:** John.Hnat@Wisconsin.Gov  
**Bid Manager:** Monica L. Weis  
**Address:** 9316 North 107th Street  
**City, State Zip:** Milwaukee, WI 53224-1121  
**Phone:** (414) 357-4705  
**email:** Monica.Weis@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>December 3, 2007</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>December 17, 2007, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>January 4, 2008</b>
<b>Bid-End Date and Time:</b>	<b>January 18, 2008, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**Ivize-Milwaukee, 757 North Broadway, Suite 200, Milwaukee, WI 53202**  
**Phone: (414) 276-2679 Fax: (414) 276-1529**

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

Metz Bakery was built as a commercial bakery in the early 1900s and operated until it was permanently closed in September 2005. Five underground storage tanks (USTs) are listed on the Wisconsin Department of Commerce's (Commerce) Storage Tank Database as either abandoned or closed by removal at the site. According to the Commerce database, three USTs were abandoned without product prior to December 1988, one 10,000-gallon UST was removed in November 1997, and one 8,000-gallon UST was removed from beneath the former distribution building in August 2005.

The site and surrounding area is generally flat with a gradual slope to the east-southeast direction. Surface cover at the site varies from concrete, asphalt, crushed limestone or top soil to one foot below ground surface (bgs) and overlies light brown silty clay fill to approximately five feet bgs. Gray-brown to gray silty clay with intermittent sand seams underlies the silty clay fill to a depth of approximately sixteen feet bgs. Soil analytical data indicate that petroleum volatile organic compounds (PVOCs) and naphthalene contamination is present primarily from a depth of approximately eight to sixteen feet bgs.

The depth to groundwater ranges from nine to twelve feet bgs with the flow direction to the northeast. Measurable amounts of free product were detected in monitoring wells MW-1 and MW-5 in 2005. Measurable free product has not been detected since 2006. Groundwater PVOc contamination above the enforcement standards was detected at monitoring wells MW-1, MW-4, MW-5, MW-7, and MW-8 in 2006.

### **Minimum Remedial Requirements**

#### **Groundwater Monitoring**

Monitoring wells MW-1, MW-4, MW-5, MW-7, MW-8, MW-9, MW-10, and MW-11 must be monitored on a quarterly basis for one year and the groundwater samples submitted for laboratory analysis of PVOcs plus naphthalene.

The elevation of groundwater must be measured in all monitoring wells, including wells not being sampled. Elevation measurements must be reported in tabular form and groundwater flow maps must be generated for each sample round.

#### **Contingency**

Provide contingency costs to address LNAPL if it is encountered in any of the wells. Contact DNR and Commerce as soon as practical and request from Commerce a bid cost cap modification to collect an LNAPL sample for the following lab physical properties: viscosity (ASTM D445), density (ASTM D1481), and three interfacial tensions: LNAPL/water, LNAPL/air, and water/air (ASTM D971). Appropriate alternative ASTM lab methods may be used depending on which laboratory provides services for these specific properties. Refer to API Publication 4711, *Methods for Determining Inputs to Environmental Petroleum Hydrocarbon Mobility and Recovery Models* (pg 13-16) for alternative methods and comments concerning their appropriate application. Be aware that laboratory availability may be limited and that weathered LNAPL samples submitted for the above analyses may require cleaning. Additional shipping and sample preparation/disposal costs may apply.

For LNAPL encountered in any monitoring well, measure the depth to, and thickness of (inches or feet) free product. Wells containing free product are to have free product

removed during each quarterly monitoring event if they are included in the above list of wells to be sampled.

Groundwater samples should be collected from wells containing free product, if they are included in the above list of wells to be sampled, and analyzed for PVOCs plus naphthalene after product removal. Proper disposal of the collected free product is required at the completion of the four quarterly monitoring events.

### Reports

Submit a summary report after the second round of quarterly groundwater sampling to the DNR (John Hnat) and Commerce (Monica Weis). The report must include all documentation for groundwater monitoring and laboratory results, updated groundwater elevation and data tables, free product elevation table (if free product is detected), and groundwater flow and isoconcentration maps. Hand-drawn tables and figures are not acceptable.

Submit a final groundwater monitoring report at the end of the fourth-quarter sampling event. The report must include groundwater and free product waste disposal documentation and updated figures and tables relating to groundwater data collected from the third and fourth monitoring events. Be sure to include updated groundwater flow and isoconcentration maps.

### Closure Submittal

This bid is not a bid to closure; however, there is the possibility of attaining closure at the conclusion of the scope of work (SOW) conducted under this bid. Upon completion of this SOW, evaluate site conditions, including all historical soil and groundwater analytical data, and evaluate the potential for closure consistent with the requirements of ch. NR 726, Wis. Adm. Code. Bid responses must include a separate cost to prepare and submit a complete closure request and GIS Registry packet for closure consideration by the DNR, if closure review is appropriate. The closure request and GIS Registry packet must include all historical data and activities and include the data results and documentation of the activities completed in accordance with this bid scope of work.

If a closure request is not appropriate upon completion of the bid scope of work discussed above, then submit only the final report of data results. Please note that all electronic reporting requirements must also be completed consistent with section 3.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.

3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

#### Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.

- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## **SECTION 5 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.

7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

#### **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

(1<sup>st</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Metz Baking Company**

**COMMERCE #: 53205-2340-11-B**

**BRRTS #: 03-41-544142**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

## BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Metz Baking Company**

**COMMERCE #: 53205-2340-11-B**

**BRRTS #: 03-41-544142**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Groundwater monitoring (four monitoring events, PVOC plus naphthalene lab analysis, gw elevations)	\$	
2	Waste disposal (gw and possibly free product upon completion of SOW)	\$	
3	Electronic reporting	\$	
4	Summary report (submitted after second gw sampling event)	\$	
5	Final summary report (submitted after fourth gw sampling event)	\$	
6	PECFA Claim Preparation	\$	
7	Total Bid Amount	\$	
<b>CONTINGENCY COSTS</b> <b>(Will be Approved and Added to the Bid Cap as Needed)</b>			
•	Contact DNR and Commerce if LNAPL is encountered and collect a sample for the following physical lab analyses: viscosity, density, and three interfacial tensions (LNAPL/water, LNAPL/air, and water/air).	\$	
•	Preparation of a closure request with close-out form and soil and groundwater GIS registry packet, if closure is appropriate	\$	